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PATENT APPLICATION

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q86534

Koji NAGI, et al.

Appln. No.: Not Assigned

Confirmation No.: Not Assigned

Group Art Unit: Not Assigned

Filed: February 25, 2005

Examiner: Not Assigned

For: NOVEL DEPSIPEPTIDE COMPOUND

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT
National Stage Entry of PCT/JP03/10957
Q86534

filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant states that the above references are discussed within the specification beginning at the bottom of Page 3. Also, English abstracts have been provided. Applicants have further advised that US 2004/408254 A1 And US 6,670,326 B1 correspond to WO 00/42062.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 25, 2005

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| Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i> | | | | <i>Complete if Known</i> | |
| | | Application Number | Not Assigned | | |
| | | Confirmation Number | Not Assigned | | |
| | | Filing Date | February 25, 2005 | | |
| | | First Named Inventor | Koji NAGI | | |
| | | Art Unit | Not Assigned | | |
| | | Examiner Name | Not Assigned | | |
| | | Attorney Docket Number | Q86534 | | |
| Sheet | 1 | of | 1 | | |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
| | | Number | Kind Code ² (if known) | | |
| | | US 2003082054 | A1 | | |
| | | US 6,670,326 | B1 | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation ⁶ |
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| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
| | | JP | 2001-348340 | A | 12-18-2001 | | English Abstract |
| | | WO | 00-42062 | A1 | 07-20-2000 | | English Abstract |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation ⁶ |
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| Examiner Signature | Date Considered |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.